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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

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GROUP 3600

Application Number: 10/042,731
Filing Date: December 21, 2000
Appellant(s): BULLOCK ET AL.

Kent A. Lembke
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 31, 2006 appealing from the Office action mailed February 21, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Appellant did not supply any evidence in the appeal brief.

Evidence relied on in the rejection and in this Examiner's Answer is as follows:

6,385,620   Kurzius et al.   7/2002

6,662,194   Joao   12-2003

6,915,269   Shapiro et al.   7-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-9, 12-13, 15, 17-23, and 25-32 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Kurzius et al (U.S. Patent No. 6385620) in further view of Joao

(U.S. Patent No. 6662194) and Shapiro et al. (U.S. Patent No. 6915269).

As per claim 1, Kurzius et al. teaches:

A system for matching entities having needs to entities having capability to meet

the needs, the system comprising:

A plurality of needs profiles, wherein each need profile comprises a data record

specifying attributes about a need (col. 7, lines 8-25, Kurzius et al. teach the job

posting database is composed of a plurality of job posting records that are generated

from job posting submissions received from the web server. The job posting review

template is a template including fields used to display job criteria for a particular job

posting record that is accessed for review.);

A plurality of capability profiles, wherein each capability profile comprises a data record specifying a set of attributes of an entity having a capability of meeting a need (col. 5, lines 49-67, Kurzius et al. teach that in operation of the system, the web server receives candidate qualification data in the form of a candidate profile from a job candidate.); and

A matching engine coupled to repetitively and automatically examine the needs profiles and capability profiles to identify matched profiles and for each pair of matched profiles to determine a pair of scores indicating a compatibility of a particular match to each of the matched profiles, wherein a match comprises a set of profiles judged to be substantially compatible based upon correspondence of the attributes specified therein (col. 8, lines 28-40, Kurzius et al. teach a candidate matching engine operable to match candidate records to job posting records. The candidate matching engine includes matching algorithms and/or hierarchies of matching criteria wherein different weights can be assigned to different criteria depending on empirical data, employer, and/or recruiter preference.).

Kurzius et al. fail to teach:

the process is performed repetitively and automatically.

determining a pair of scores indicating a compatibility of a particular match to each of the matched profiles.

Joao teaches providing job searching services, recruitment services and/or recruitment-related services, which can be programmed to be self-activating and/or be activated automatically and operation may be triggered by any type of pre-

specified event and/or occurrence, which may include a new individual listing, a new

employer and/or hiring entity listing (Joao col. 5, line 65 to col. 6, line 9, col.9, lines

11-15, col. 28 lines 31-41, col. 30 lines 1-12, and column 39 lines 23-25). The

advantages of repetitively and automatically performing the process of matching is

that it reduces the time, expense, effort, and potential human error incurred by

manually performing the task. It would have been obvious, at the time of the

invention, for one of ordinary skill in the art to combine the repetitive and automatic

feature of Joao's system to the Kurzius et al. system, both systems being recruiting

systems, in order to reduce the time, expense, effort and potential human error

incurred by performing the process manually, which is a goal of Joao (Joao col. 40

line 66 to col. 41 line 3). Furthermore, it has been held that the automation of a

manual process is within the ordinary skill of the art. *In re Venner*, 120 USPQ 192,

194; 262 F2d 91 (CCPA 1958).

Shapiro et al. teaches determining a pair of scores indicating the compatibility of

a particular match to each of the matched profiles (Shapiro col. 13 line 66 to col. 14 line

63, col. 16 line 57 to col. 17 line 25, col. 18 lines 24-63, and col. 21 lines 45-67). The

advantage of determining a pair of scores, as opposed to a unilateral matching, is that

both parties' requirements are satisfied resulting in a better and more successful

match. It would have been obvious, to one of ordinary skill in the art, to combine the

bilateral evaluation (pair of scores) of matching feature from the Shapiro et al. system to

the Kurzius et al. system, both systems having the capabilities to find best matches for

profiles, in order to satisfy both parties' requirements and to generate better matches, which is a goal of Shapiro et al. (Shapiro col. 1 lines 31-41 and col. 7 lines 38-44)

As per claim 2, Shapiro et al. teaches a notification message generated to first and second users associated with each profile in a particular one of the pairs of matched profiles, where in the notification message comprises the match score associated with the particular one of the profiles with the two match scores being determined based on differing sets of matched attributes that are weighted independently by the first and second users (Shapiro col. 13 line 66 to col. 14 line 63, col. 16 line 57 to col. 17 line 25, col. 18 lines 24-63, and col. 21 lines 45-67; where first and second users enter profile data. First users enter preference data. Second users enter preference data. The system analyzes the data and scores best matches based on first users' preference data. The system then analyzes the data and scores best matches based on second users' preference data. The system generates a list of the scored matches and communicates the list to the users.). The advantages of scoring the matches based on first and second users' data and notifying the users of the best scored matches list are that both parties' requirements are satisfied resulting in more successful matches and the notification to the parties allows them to identify persons best suited to fulfill requirements. It would have been obvious, at the time of the invention, for one of ordinary skill in the art to incorporate the matching based on both the first and second users' preferences and the notification of the best matches list to the users feature to the Kurzius et al. system in order to gain the advantages of satisfying both parties' requirements resulting in more successful matches and

identifying persons best suited to fulfill a party's requirements, which are goals of

Shapiro et al. (Shapiro col. 1 lines 31-41 and col. 7 lines 38-44).

As per claim 3, Shapiro et al. teaches the notification message includes a

selected subset of attributes from the matched profile(s) (Shapiro col. 21 lines 45-67;

where the system communicates to the users a ranked list of best matches. Included in

this notification are the users' attributes and whatever information the users have

authorized to send to each other). The advantage of including a selected subset of

attributes is that the recipient is can easily identify the persons and persons' attributes

that satisfy the recipient's requirements and thus reduce wasted time. It would have

been obvious, at the time of the invention, to one of ordinary skill in the art to combine

the feature of including a selected subset of attributes of the matched profiles in the

notification to the user to the Kurzius et al. System in order to allow the recipient to

easily identify the persons and persons' attributes that satisfy the recipients

requirements and thus reduce wasted time, which is a goal of Kurzius et al. (Kurzius col.

2 lines 25-50).

As per claim 4, Kurzius et al. teaches:

The system of claim 3 further comprising:

A response message generated by a recipient of a notification message (Kurzius

et al. col. 4 lines 5-40; where a response to receiving notification can be done in

many ways, including email.); and

A detailed notification message generated to the users associated with the

matched profiles in response to receiving response messages from both users

associated with a particular matched profile (Kurzius et al. col. 4 lines 5-40; where

users have the ability to communicate and send notifications to each other. An

employer may indicate interest in a candidate profile and transmit such interest for

receipt by the web engine, indicating on the candidate's profile of detailed employer

notification.).

As per claim 5, Kurzius et al. teach:

The system of claim 1 wherein the each need profile specifies attributes that

described a human resources need and each capability profile comprises attribute

that describe skills of a job candidate (Kurzius et al.: col. 6, lines 27-29 and col. 7,

lines 23-25, Kurzius et al. teach the job posting review template used to display

job criteria for a particular job posting record that is accessed for review.

Candidate qualification data entered by a potential candidate is organized and

stored in a candidate record.).

As per claim 6, Kurzius et al. teach:

The system of claim 5 wherein the job candidate attributes include attributes

describing the associated candidate's qualifications (Kurzius et al.: col. 5, lines 49-

51, Kurzius et al. teach the web server receives candidate qualification data in the

form of a candidate profile from a job candidate.).

As per claim 7, Kurzius et al. teach:

The system of claim 5 wherein the job candidate attributes describe the

associated candidate's desire to use particular skills in future employment (Kurzius

et al.: col. 16, lines 50-57, Kurzius et al. teach candidates can indicate career

goals, desired benefits and other comments directed toward the candidate's

background or toward the candidate's desired employment opportunity.).

As per claim 8, Kurzius et al. teach:

The system of claim 1 wherein the needs profile data record is persistent

(Kurzius et al.: col. 7, lines 8-25, Kurzius et al. teach a job posting submission

generated by an employer using a web server is organized and stored in a particular

job posting record.).

As per claim 9, Kurzius et al. teach:

The system of claim 1 wherein the capability profile data record is persistent

(Kurzius et al.: col. 5, lines 49-67, Kurzius et al. teach the candidate qualification

data is communicated to the database server for processing, indexing and storage.).

As per claim 12, Kurzius et al. teach:

A job applicant agent comprising:

A user interface for gathering information from a job applicant (Kurzius et al.: col.

3, lines 66-67 and col. 4, line 63 to col. 5, line 2, Kurzius et al. teach the system

includes a web server in communication with a candidate client. Candidate client

include a web browser.);

A data record generated from the gathered information, the data record

comprising a plurality of attributes describing skills of an associated job applicant,

the data record being formatted for use in and continuously accessible by an

external matching engine, wherein the data record further comprises attribute

describing the associated job applicant's desire to utilize specified skills in future job

assignments (Kurzius et al.: col. 5 lines 49-67, col. 8 lines 28-40, col. 16 lines 11-15, col. 16, lines 50-57, and figures 14a and 14b; where candidate qualification data is communicated to the database server for processing, indexing and storage. A candidate matching engine operable to match candidate records to job posting records includes matching algorithms and/or hierarchies of matching criteria wherein different weights can be assigned to different criteria depending on empirical data, employer, and/or recruiter preference. Kurzius et al. also teach candidates can indicate career goals, desired benefits and other comments directed toward the candidate's background or toward the candidate's desired employment opportunity. This data is associated with the user's profile and continuously used by the matching engine as candidate qualification data. Figure 14b allows the user to select skills that will be used by the matching engine to determine matching profiles. In other words, these are the skills the user desires to search for an occupation on. Figure 14a further allows a user to enter in career goals.); and

A network interface configured to communicate the data record to the external matching engine (Kurzius et al.: col. 4, lines 49-62 and col. 5, lines 25-37, Kurzius et al. teach a web server and database server can be separate servers communicating across a particular communications link. The system may be part of a local area network (LAN), a wide-area network (WAN) or other suitable network or interconnection of computing devices.).

As per claim 13, Kurzius et al. teaches:

The applicant agent of claim 12 wherein the data record is formatted to enable the eternal matching engine to readily detect matches between the described skills and required skills of a hiring agent data record accessible by the matching engine (Kurzius et al.: col. 8, lines 28-40 and col. 10, lines 6-13, Kurzius et al. teach the candidate matching engine is a software module or other suitable combination of software and/or hardware components operable to match candidate records to job posting records. The candidate qualification data is received from the candidate as entered or selected in the candidate survey form. For, example, after a candidate has completely filled out a candidate survey form with both freeform data and data selected by the candidate from pregenerated data items, a candidate may select to submit the survey form. The Examiner interprets the pregenerated data items to suggest a format for the data that is used by the matching engine.).

As per claim 15, Kurzius et al. teaches:

An automated hiring agent comprising:

A user interface for gathering information from a human hiring agent (Kurzius et al.: col. 3, line 66 to col. 4, line 1 and col. 4, line 63 to col. 5, line 2, Kurzius et al. teach the system includes a web server in communication with a recruiter client and an employer client. Recruiter client and an employer client include a web browser.);

A data record generated from the gathered information, the data record comprising a plurality of attributes describing skills required by an associated job, the data record being formatted for use in and continuously accessible by an external matching engine, wherein the data record comprises a public data accessible by

users accessing the external matching engine and for sharing with the users

accessing the eternal matching engine based on predefined rules (Kurzius et al.:

col. 7, lines 23-25, Kurzius et al. teach the job posting review template is a

template including fields used to display job criteria for a particular job posting

record that is accessed for review.); and

A network interface configured to communicate the data record to the external

matching engine (Kurzius et al.: col. 4, lines 49-62 and col. 5, lines 25-37, Kurzius

et al. teach a web server and database server can be separate servers

communicating across a particular communications link. The system may be part of

a local area network (LAN), a wide-area network (WAN) or other suitable network or

interconnection of computing devices.).

Kurzius fails to teach restricted data for use by the external matching engine in

obtaining a match for the data record. Joao teaches restricted data for use by the

external matching engine in obtaining a match for the data record (Joao: col. 14, line

61 to col. 15, line 10, and col. 23, lines 35-52). Joao teaches the use of generic terms

to conceal and/or suggest attributes rather than using actual values. By using generic

terms, the user is restricting hiring agents from obtaining the actual terms without the

user's consent. Upon a showing of interest by a hiring agent, the user can avail the

specific details. Use of generic data serves the same functionality as restricting data in

that both do not disclose data the user does not wish to disclose. Additionally, the

matching is done based on the information the user provides. User has the ability to set

forth similar data for matching such that the matching is not affected. The example

provided by Joao describes a user entering "Ivy League School" rather than entering a specific Ivy League school. This information is true information and affects the matching engine the same. The advantage restricting data from other users is that it allows for a user to not have to disclose sensitive data. It would have been obvious, at the time of the invention, for one of ordinary skill in the art to combine the feature of using generic data to the Kurzius et al. system in order to allow users to maintain a level of confidentiality, which is a goal of Joao (Joao: col. 2 line 62 to col. 3 line 8).

As per claim 17, Kurzius et al. teach:

The hiring agent of claim15 further comprising a template data record, the template data record comprising predefined attributes describing the skills required by the associated job, wherein the user interface is populated with information from the template data record before gathering information from the human hiring agent (Kurzius et al.: col. 7, lines 23-47 and col. 14, lines 55-67, Kurzius et al. teach that as with candidate review templates, different versions of job posting templates may exist and be displayed depending on the identity of the user accessing a job posting record for review. A job posting form is presented to the employer for entry of job description. The job posting form includes desired candidate qualifications in the form of job criteria.).

As per claim 18, Kurzius et al. teach:

A matching engine for matching attributes specified by a plurality of hiring agents with attributes specified by a plurality of job applicant agents, the matching engine comprising:

A database storing a plurality of hiring agents and a plurality of job applicant

agents (col. 5, lines 49-67 and col. 7, lines 8-25, Kurzius et al. teach the job

posting database is composed of a plurality of job posting records that are generated

from job posting submissions received from the web server. The job posting review

template is a template including fields used to display job criteria for a particular job

posting record that is accessed for review. Kurzius et al. also teach that in operation

of the system, the web server receives candidate qualification data in the form of a

candidate profile from a job candidate.);

Kurzius et al. fail to teach:

A mechanism for continuously comparing profiles in the database to identify

matches between hiring agents and job applicant agents.

Claim 18 recites limitations already addressed by the rejection of claim 1;

therefore the same rejection applies to this claim.

As per claim 19, Kurzius fails to teach:

a notification mechanism response to identification of a match for notifying users

associated with agents associated with a match.

Claim 19 recites limitations already addressed by the rejection of claim 2; there

for the same rejection applies to this claim.

As per claim 20, Kurzius et al. teach:

The matching engine of claim 18 further comprising:

An interface receiving job applicant agent profiles (Kurzius et al.: col. 3, lines 66-

67 and col. 4, line 63 to col. 5, line 2, Kurzius et al. teach the system includes a

web server in communication with a candidate client. Candidate client include a web

browser.);

An interface receiving hiring agent profiles (Kurzius et al.: col. 3, line 66 to col. 4,

line 1 and col. 4, line 63 to col. 5, line 2, Kurzius et al. teach the system includes a

web server in communication with a recruiter client and an employer client.

Recruiter client and an employer client include a web browser.);

Kurzius et al. fail to teach:

Wherein the mechanism for continuously comparing profiles is invoked in

response to receiving a new profile.

Claim 20 recites the same limitation for continuously comparing profiles invoked

in response to receiving a new profile as addressed by the rejection of claim 1; there for

the same rejection applies here.

As per claim 21, Kurzius et al. teach:

A computer implemented method for incrementally revealing information in a

profile matching system comprising:

Providing a plurality of profiles in memory of a computing device, each profile

associated with a user and each profile comprising a set of attributes describing the

associated user (Kurzius et al.: col. 7, lines 8-25, Kurzius et al. teach the job posting

database is composed of a plurality of job posting records that are generated from

job posting submissions received from the web server. The job posting review

template is a template including fields used to display job criteria for a particular job

posting record that is accessed for review.);

Kurzius et al. fail to teach:

At least one restricted information section within a profile such that the profile can

be accessed by the users accessing the computing device while the restricted

information section remains protected from the accessing users;

Automatically matching profiles based on correspondence of attributes specified

in the profiles, including attributes within the restricted section;

With the computing device presenting automatically matched profiles to the users

associated with the profile in a manner that prevents exposing the restricted

information section;

Enabling each user that is presented with a matched profile to indicate further

interest; and

Responsive to receiving indication of the further interest from all the users

associated with a matched profile, presenting with the computing device detailed

information including information in the restricted information section of a matched

profile.

Claim 21 recites limitations already addressed by the rejection of claims 1 and

15; therefore the same rejections apply to this claim.

As per claim 22, Kurzius et al. teach:

A state machine for use in a human resources matching engine, the state

machine comprising:

An unmatched state (Kurzius et al.: col. 5, lines 49-67 and col. 8, lines 28-31,

Kurzius et al. teach a web server receives candidate qualifications data in the form

of a candidate profile. The candidate qualification data may be communicated to a

database server for processing, indexing and storage using the candidate mapping

engine. The web server also receives job posting submissions from an employer via

an employer client using the employer web engine. Job posting submissions may

also be communicated to a database server for processing, indexing and storage

using an employer indexing engine. Candidate matching engine is a software

module operable to match candidate records to job posting records. The Kurzius et

al. system is in an unmatched state prior to activating the matching engine.);

An automatched state reached from the unmatched state upon detection of a

substantial correspondence between first stored profile and a second stored profile

(col. 8, lines 28-40, Kurzius et al. teach a candidate matching engine operable to

match candidate records to job posting records. The candidate matching engine

includes matching algorithms and/or hierarchies of matching criteria wherein

different weights can be assigned to different criteria depending on empirical data,

employer, and/or recruiter preference.);

Joao teaches (where Kurzius et al. fail to teach):

A first interested state reached from the automatched state upon indication that a

user associated with the first stored profile is interested in pursuing a relationship

with a user associated with the second stored profile (Joao: col. 23, lines 35-52,

Joao teaches if it is determined that the employer is interested in pursuing

discussion with the individual, then the central processing computer will notify the

individual by transmitting a message to the individual, and/or individual computer

associated with the individual, so notifying the individual. The individual can review

the data and/or information and transmit a response to the central processing

computer. The central processing computer will process the individual's response

and determine if the individual is interesting in pursuing discussions with the

employer.);

A second interested state reached from the automatched state upon indication

that a user associated with the second stored profile is interested in pursuing a

relationship with a user associated with the second stored profile (Joao: col. 23, lines

35-52, Joao teaches if it is determined that the employer is interested in pursuing

discussion with the individual, then the central processing computer will notify the

individual by transmitting a message to the individual, and/or individual computer

associated with the individual, so notifying the individual. The individual can review

the data and/or information and transmit a response to the central processing

computer. The central processing computer will process the individual's response

and determine if the individual is interesting in pursuing discussions with the

employer.);

A not interested state reached from the automatched state upon indication that

either the user associated with the first stored profile or the user associated with the

second stored profile is not interested in pursuing a relationship with the other user

(Joao: col. 22, lines 54-67, Joao teaches the central processing computer will

determine whether the individual wants to apply for any of the reported jobs. If it

is determined that the individual does not want to apply for any of the reported

jobs, the central processing computer will record and/or store any and/or all data and/or information regarding and/or pertinent to the search and/or corresponding results, up to this point, including the actions of the individual.); and

An evaluating state reached from the first interested state upon indication that a user associated with the second stored profile is interest in pursuing a relationship with a user associated with the first stored profile or upon indication that a user associated with the first stored profile is interested in pursuing a relationship with a user associated with the second stored profile (Joao: col. 24, lines 22-49, Joao teaches that if it is determined that the employer is interesting in pursuing the opportunity with the individual, the central processing computer will put the employer and the individual in contact with each other by transmitting contact information to either or both of the employer and/or the individual. The central processing computer can monitor the interview, employment screening, and/or recruitment processes, which takes place between the employer and the individual. The examiner interprets an evaluation state is reached when both users are in contact with each other and an interview takes place.).

The advantage of these features taught by Joao is that communication between matched users is facilitated. It would have been obvious, at the time of the invention, to combine these features taught by Joao to the Kurzius et al. system in order to facilitate communication between matched users, which is a goal of Joao (Joao: col. 8 lines 22-48).

As per claim 23, Kurzius et al.

A method implemented by processes running on a human resources server for matching job applicants with hiring agents, the method comprising the acts of:

Generating a plurality of needs profiles, wherein each needs profile comprises attributes about a need associated with a particular hiring agent (col. 7, lines 8-25, Kurzius et al. teach the job posting database is composed of a plurality of job posting records that are generated from job posting submissions received from the web server. The job posting review template is a template including fields used to display job criteria for a particular job posting record that is accessed for review.);

Storing the needs profiles as a data record in memory accessible by the human resources server (col. 7, lines 8-25, Kurzius et al. teach a job posting submission generated by an employer using a web server is organized and stored in a particular job posting record.);

Generating a plurality of capability profiles, wherein each capability profile includes attributes of a job applicant (col. 5, lines 49-67, Kurzius et al. teach that in operation of the system, the web server receives candidate qualification data in the form of a candidate profile from a job candidate.);

Storing the capabilities profiles as a data record in memory accessible by the human resources server (col. 5, lines 49-67, Kurzius et al. teach the candidate qualification data is communicated to the database server for processing, indexing and storage.);

Kurzius et al. fail to teach:

Repetitively and automatically matching the needs profiles and capability profiles

to identify matched profiles, wherein a match comprises a set of profiles judged to be

substantially compatible based upon correspondence of the attributes specified

therein; and

Notifying a first user associated with one of the needs profiles and a second user

associated with one of the capability profiles of the match, wherein the notifying

comprises providing a degree of compatibility for the match to the first user and a

degree of compatibility for the match to the second user.

Shapiro et al. teaches notifying a first user associated with a needs profile and a

second user associated with one of the capability profiles of the match, wherein the

notification provides a degree of compatibility for each user (Shapiro col. 13 line 66 to

col. 14 line 63, col. 16 line 57 to col. 17 line 25, col. 18 lines 24-63, and col. 21 lines 45-

67). The Shapiro system determines bilateral matching based on the requirements of

both persons having needs and persons having capabilities. The users are then notified

of degrees of compatibilities, based on their requirements, on a list where the most

compatible is listed first. The advantage of determining a pair of scores, as opposed to

a unilateral matching, is that both parties' requirements are satisfied resulting in a better

and more successful match. It would have been obvious, to one of ordinary skill in the

art, to combine the bilateral evaluation (pair of scores) of matching feature from the

Shapiro et al. system to the Kurzius et al. system, both systems having the capabilities

to find best matches for profiles, in order to satisfy both parties' requirements and to

generate better matches, which is a goal of Shapiro et al. (Shapiro col. 1 lines 31-41 and col. 7 lines 38-44)

Claim 23 further recites limitations "repetitively and automatically matching needs profiles and capability profiles" already addressed by the rejection of claim 1; therefore the same rejection applies to this claim.

As per claim 25, Shapiro et al. teaches the method of claim 23, wherein the act of notifying comprising presenting a selected subset of attributes from the matched profile to users associated with the matched profile (see column 18 lines 24-47; where a closeness-to-fit analyzer matches a needs profile to a capability profile based on a subset of attributes and communicates the results to both users.). The advantage of notifying both users of the closeness-to-fit results is that it allows both users to verify that they have entered the appropriate requirements and verify the results of the closeness-to-fit provided the best possible matches. It would have been obvious, at the time of the invention, for one of ordinary skill in the art to combine the feature of notifying the users of a list of compatible matches in order for the users to verify that the best possible matches determined, which is a goal of Shapiro et al. (Shapiro: col. 1 lines 31-41 and col. 7 lines 38-44).

As per claim 26, Kurzius et al. teach:

The method of claim 25 further comprising:

Responding to the notification of an indication of further interest in identified match (Kurzius et al. col. 4 lines 5-40; where a response to receiving notification can be done in many ways, including email.); and

Generating a detailed notification message to the users associated with the matched profiles in response to receiving messages from both users associated with a particular matched profile (Kurzius et al. col. 4 lines 5-40; where users have the ability to communicate and send notifications to each other. An employer may indicate interest in a candidate profile and transmit such interest for receipt by the web engine, indicating on the candidate's profile of detailed employer notification.).

As per claim 27, Kurzius et al. teach:

The method of claim 23 wherein the act of generating a capability profile comprises including attributes within the capability profile that describe the associated user's desire to apply particular skills in a future employment (Kurzius et al.: col. 16, lines 50-57, Kurzius et al. teach candidates can indicate career goals, desired benefits and other comments directed toward the candidate's background or toward the candidate's desired employment opportunity.).

As per claim 28, Kurzius et al. teach:

A signal-bearing medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform a method for job applicants with hiring agents, the method comprising:

Generating a plurality of needs profiles, wherein each needs profile comprises attributes about a need associated with a particular hiring agent (col. 7, lines 8-25, Kurzius et al. teach the job posting database is composed of a plurality of job posting records that are generated from job posting submissions received from the web

server. The job posting review template is a template including fields used to display job criteria for a particular job posting record that is accessed for review.);

Storing the needs profiles as a data record (col. 7, lines 8-25, Kurzius et al. teach a job posting submission generated by an employer using a web server is organized and stored in a particular job posting record.);

Generating a plurality of capability profiles, wherein each capability profile attributes of a job applicant (col. 5, lines 49-67, Kurzius et al. teach that in operation of the system, the web server receives candidate qualification data in the form of a candidate profile from a job candidate.);

Storing the capabilities profiles as a data record (col. 5, lines 49-67, Kurzius et al. teach the candidate qualification data is communicated to the database server for processing, indexing and storage.);

Kurzius fails to teach:

Repetitively and automatically matching the needs profiles and capability profiles to identify matched profiles, wherein a match comprises a set of profiles judged to be substantially compatible based upon correspondence of the attributes specified therein.

Claim 28 recites limitation "repetitively and automatically matching the needs profiles and capability profiles" already addressed by the rejection of claim 1; therefore the same rejection applies to this claim.

As per claim 29, Kurzius et al. teach:

The method of claim 21, wherein the users comprise job applicants or supplier

agents and hiring agents or employers, wherein the profiles comprise profiles

associated with the job applicants or supplier agents and profiles associated with the

hiring agents or employers (col. 7, lines 8-25, Kurzius et al.; where the users and

profiles can be job applicants, supplier agents, hiring agents, or employers.); and

Kurzius et al. fails to teach:

wherein attributes in the restricted sections of the profiles associated with the

applicants or supplier agents comprises attributes associated with the applicants and

the restricted section of the profiles associated with the hiring agents or employers

comprises attributes associated with the employers.

Claim 29 recites the limitation of restricting data already addressed by the

rejection of claim 15; therefore the same rejection applies to this claim.

As per claim 30, Kurzius et al. fails to teach:

degrees of compatibility for the first and second users differ in value.

Claim 29 recites limitations already addressed by the rejections of claims 1, 3,

23, and 25; therefore the same rejections apply to this claim.

As per claim 31, Kurzius et al. fails to teach:

degrees of compatibility each comprise a score for a set of matching

components.

Claim 30 recites limitations already addressed by the rejections of claims 1, 3,

23, and 25; therefore the same rejections apply to this claim.

As per claim 32, Kurzius et al. teach:

The method of claim 31, wherein the first user comprises a particular one of the hiring agents and the second user comprises a particular one of the job applicants and wherein the set of matching components comprise components representative of skills and education, location and compensation (Kurzius et al.: col. 7 lines 8-25 and figures 14a, 14b and 15; where the first user can be a hiring agent and the second user can be a job applicant. The attributes set for matching are displayed in figures 14a, 14b, and 15. Data fields include location information, education information, employment information, skills information, and previous salary compensation information.).

(10) Response to Argument

In the Appeal Brief, Appellant argues the following:

1) Kurzius, Joao, and Shapiro fail to teach "profiles with restricted portions, using the information in the restricted portions to perform matching, and then presenting the information upon a showing of interest by users" as per claims 1 and 21(page 6 in the Appeal Brief).

2) Shapiro fails to teach "determining a pair of scores indicating the compatibility of a particular match to each of the matched profiles" as per claims 1 and 23 (page 10 in the Appeal Brief).

3) Kurzius, Joao, and Shapiro fail to teach a data record of which skills specified by an applicant who desires to utilize these skills in future job assignments with as per claim 12 (pages 11-12 in the Appeal Brief).

In response to argument 1, Examiner respectfully disagrees. First, claim 1 does

not recite "profiles with restricted portions", thus Examiner assumes that Applicants only

intended for this argument to be with regard to claims 15 and 21. Kurzius fails to

explicitly teach "profiles with restricted portions, using the information in the restricted

portions to perform matching, and then presenting the information upon a showing of

interest by users". Joao explicitly teaches "profiles with restricted portions, using the

information in the restricted portions to perform matching, and then presenting the

information upon a showing of interest by users" (Joao: col. 14, line 61 to col. 15, line

10, and col. 23, lines 35-52). Joao teaches the use of generic terms to conceal and/or

suggest attributes rather than using actual values (Joao: col. 14, line 61 to col. 15, line

10, and col. 23, lines 35-52). By using generic terms, the user is restricting hiring

agents from obtaining the actual terms without the user's consent (Joao: col. 14, line

61 to col. 15, line 10, and col. 23, lines 35-52). Upon a showing of interest by a hiring

agent, the user can avail the specific details (Joao: col. 14, line 61 to col. 15, line 10,

and col. 23, lines 35-52). Use of generic data serves the same functionality as

restricting data in that both do not disclose data the user does not wish to disclose. The

advantage restricting data from other users is that it allows for a user to not have to

disclose sensitive data. It would have been obvious, at the time of the invention, for one

of ordinary skill in the art to combine the feature of using generic data to the Kurzius et

al. system in order to allow users to maintain a level of confidentiality, which is a goal of

Joao (Joao: col. 2 line 62 to col. 3 line 8).

Although claims 15 and 21 recite restriction portions of a profile such that the

profile can be accessed without revealing the restricted portions, claims 15 and 21

neither limit the manner or method of how the restricted portions are restricted nor how

other users are restricted from accessing the restricted information. Although the claims

are interpreted in light of the specification, limitations from the specification are not read

into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir.

1993). Joao discloses restricting data in order to preserve confidentiality by enabling a

user to use generic information and other users do not have access to the confidential

information if a user has input generic information (Joao: col. 14, line 61 to col. 15, line

10).

Applicants further argue that Joao fails to teach "no access by users" to the

restricted portions (page 7 of the Appeal Brief). As discussed above, claims 15 and 21

do not limit the manner and method of how "no access by users". Thus, Joao teaches

"no access by users" by enabling a user to enter confidential information in a generic

manner, thereby restricting access by users to the confidential information (Joao: col.

14, line 61 to col. 15, line 10).

Examiner specifically cited these portions of Joao because of the broadness of

the limitations of claims 15 and 21, however, Joao further teaches enabling a user to

restrict access to any portion of their profile to others (Joao: col. 15, line 10 to col. 15,

line 21). Joao teaches users may, at any time, restrict access by any party to any of

their respective data and/or information (Joao: col. 15, line 12 to col. 15, line 22).

Applicants further argue that limitation automatically matching profiles with

attributes, where the attributes include restricted portions is not obvious in light of the

combination of the disclosures of Kurzius and Joao. Applicants support this argument

based on the argument addressed above regarding Joao teaching restricted portions of

a profile. As discussed above, since Joao does teach restricted portions of a profile, it

would have been obvious, at the time of the invention, to one of ordinary skill in the art

to combine the feature of restricting portions of a profile taught by Joao to Kurzius in

order to allow users to maintain a level of confidentiality, which is a goal of Joao (Joao:

col. 2 line 62 to col. 3 line 8). Furthermore, Examiner respectfully submits that the

matching algorithm in the present invention and Kurzius/Joao is not affected by the use

of true or generic information. The matching algorithms will match attributes based on

the user input data regardless of whether the input data is true or generic. For example,

if a user inputs "Harverd" the matching algorithm will not match this user with an

employer with a requirement of "Harvard". Similarly, if an employer submits a data input

of "Harverd" the matching algorithm will only provide matches of users with the attribute

"Harverd". Whether the input of "Harverd" is true or generic information is irrelevant to

the matching algorithm.

Examiner specifically cited these portions of Joao because of the broadness of

the limitation of matching profiles based on restricted attributes. Although Examiner

maintains this limitation is obvious in light of the combination of Kurzius and Joao and

the use of true or generic information is irrelevant to the matching algorithm, Joao does

teach matching profiles based on attributes, including restricted attributes (Joao col. 25,

line 25 to col. 25, line 65). Joao discloses that users will be enabled to selected

whether matching is done using true (specific) or generic information (Joao: col. 25, line

55 to col. 25 line 65).

Applicants further traverse an alleged taking of Official Notice for the limitation

"responsive to receiving indication of the further interest from all of the users associated

with a matched profile, presenting with the computing device detailed information

including information in the restricted information section of a matched profile".

Applicants allege that Examiner has failed to provide a citation for the rejection of this

limitation, thereby making an official notice rejection. Examiner cited Joao (Joao: col.

14, line 61 to col. 15, line 10, and col. 23, lines 35-52) as teaching "upon a showing of

interest by a hiring agent, the user can avail the specific details. Therefore, no Official

Notice was taken. In addition, Joao further teaches receiving a response where the

employer or user is further interested in the matched party and can receive detailed

information about the match, including specific and generic information (Joao: col. 26,

line 25 to col. 26, line 38).

In response to argument 2, Examiner respectfully disagrees. First, claim 23 does

not recite a limitation requiring a matching engine to determine a "score" indicating the

compatibility of the two matches. Examiner assumes that Applicants intended to

discuss the use of the term "score" with claims 1 and 30.

Applicants specifically argue that the Shapiro fails to use the term "score".

Although the Shapiro does not use the term "score", Shapiro provides the functionality

to score. Merely failing to use a single specific term does not mean that the reference

does not teach the functionality. Shapiro et al. teaches determining a pair of scores

indicating the compatibility of a particular match to each of the matched profiles

(Shapiro col. 13 line 66 to col. 14 line 63, col. 16 line 57 to col. 17 line 25, col. 18 lines

24-63, and col. 21 lines 45-67). Specifically, Shapiro teaches receiving inputs and

preferences of users. Shapiro then calculates and analyzes these preferences to

determine a utility factor for the user (Shapiro col. 13 line 66 to col. 14 line 63). The

utility factor is the same as a score. Thus, Shapiro's calculation of a "likely good fit" is

the same as determining scores. The advantage of determining a pair of scores, as

opposed to a unilateral matching, is that both parties' requirements are satisfied

resulting in a better and more successful match. It would have been obvious, to one of

ordinary skill in the art, to combine the bilateral evaluation (pair of scores) of matching

feature from the Shapiro et al. system to the Kurzius et al. system, both systems having

the capabilities to find best matches for profiles, in order to satisfy both parties'

requirements and to generate better matches, which is a goal of Shapiro et al. (Shapiro

col. 1 lines 31-41 and col. 7 lines 38-44).

Applicants correctly assert that the Shapiro reference is only available under its

provisional filing. Applicants argue that the Shapiro provisional application fails to teach

"determining a pair of scores indicating the compatibility of a particular match to each of

the matched profiles". However, the Shapiro provisional application clearly does teach

"determining a pair of scores indicating the compatibility of a particular match to each of

the matched profiles" (see Shapiro provisional application p. 1 lines 25-29, p. 2 lines 16-

21, p. 3 lines 10-15, and p. 4 lines 13-17). The Shapiro provisional application specifically discloses gathering preferences and inputs of users, analyzing and calculating these preferences and inputs, and matching them based on a "likely good fit" (see Shapiro provisional application p. 1 lines 13-29). Furthermore, the Shapiro provisional application teaches disclosing a list of ranked matches to each user where each match is ordered by a degree of compatibility (see Shapiro provisional application p. 2 lines 16-21). The difference between the Shapiro provisional application and the Shapiro issued patent is that the Shapiro patent further discloses the actual equations used for to determine the aggregate utility factor (or score). However, this difference does not negate the fact that the Shapiro provisional application teaches the functionality of determining a score indicating the compatibility of a match and making this score available to both parties (see Shapiro provisional application p. 1 lines 25-29, p. 2 lines 16-21, p. 3 lines 10-15, and p. 4 lines 13-17).

Applicants further argue that the Shapiro provisional application does not teach "degrees of compatibility for the first and second users differ in value" because Shapiro does not teach determining two scores or degrees of compatibility as per claims 30-33. As discussed above, the Shapiro provisional application does teach determining two scores or degrees of compatibility and further teaches where the two scores are different (see Shapiro provisional application p. 1 lines 25-29, p. 2 lines 16-21, p. 3 lines 10-15, and p. 4 lines 13-17). Therefore, the rejection of claims 30-33 is appropriate.

In response to argument 3, Examiner respectfully disagrees. Kurzius teaches attributes set for matching include location information, educational information, employment information, skills information and previous salary information. (Kurzius: col. 7 lines 8-25 and figures 14a, 14b and 15). All of these fields are used by the matching engine for matching purposes. Specifically, figure 14b allows a user to select business, software, or hardware skills the user wishes to use to further market his/her capabilities. Figure 14b further teaches enabling a text box for the user to manually input any additional skills the user wishes to use. The user is enabled to enter skills he wishes to market and emphasize to the matching engine by entering a degree of proficiency. Furthermore, the Kurzius provides a field for a user to enter in future career goals which includes which job skills or attributes the job applicant wants to use at future jobs. Applicants argue that the Kurzius figures are not the same as the present invention's figures, however, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants further argue that the employment, skill, and salary information is not the same as the present invention's as information the user wants to use in the future. Examiner disagrees. Examiner maintains that Kurzius enables a user to enter skills the user wishes to use in the future in that a user will not functionally enter skills the user does not wish to use. If a user does not want to use a specific skill, the user simply need not enter it in the Kurzius system.

Applicants further argue that the cited references fail to teach other dependant claims for the same reasons as the arguments addressed above. These arguments are not persuasive for the same reasons as discussed above.

In conclusion, Appellant's arguments have been fully considered, but are found unpersasive.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

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